

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.25327 OF 2003

DATED: 03rd AUGUST, 2006.

Between :

1. B. Ratan Singh and others .. Petitioners

And

1. The Government of Andhra Pradesh, Tribal
Welfare Department, rep. by its Principal
Secretary, Secretariat, Hyderabad and
Others.
.. Respondents

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ORDER :

This writ petition is filed seeking a Writ of Mandamus directing the 2nd respondent - Commissioner of Tribal Welfare to take steps in pursuance of the recommendations submitted by the 3rd respondent - Chairman and District Collector, Integrated Tribal Development Agency, Bhadrachalam, Khammam district, dated 5-5-2001 for increase of hire charges for the Jeep-Cum-Ambulance sanctioned by the National Scheduled Financial Development Corporation (NSFDC), Hyderabad.

The petitioners, 26 in number, belong to Scheduled Tribe and they are beneficiaries under NSFDC Scheme in which they were allotted Jeep-cum-Ambulances for the purpose of Primary Health Centres in Tribal Sub-Plan area for referring high risk patients to a referral hospital and enable the Medical Team to tour in interior villages. Initially, a sum of Rs.12,000/- per month was fixed towards hire charges. However, on a representation made by the tribal ambulance owners of Khammam District to raise hire charges from Rs.10,000/- to Rs.18,000/- per month per vehicle, the Project Officer, ITDA, Bhadrachalam constituted a 5-Member Committee to study the matter in detail and submit a justification report. The said 5-Member Committee submitted a report on 12-4-2001 fixing the hire charges. Thereafter, a technical report was also prepared by the Motor Vehicles Inspector based on the guidelines of APPWD code. Having

considered all the aspects, the Integrated Tribal Development Agency headed by the District Collector, recommended to increase hire charges from Rs.12,000/- to Rs.15,000/- per month per vehicle. In spite of the said recommendations, dated 5-5-2001, no further steps were taken by the 2nd respondent and aggrieved by the said action, this writ petition is filed.

On behalf of the 1st respondent, a counter-affidavit has been filed stating that the 2nd respondent by letter dated 27-6-2006 submitted a proposal to the Government regarding the enhancement of the hire charges from Rs.12,000/- to Rs.14,000/- per month and accordingly the matter was referred to the Transport Commissioner to examine the issue and to furnish remarks. The Transport Commissioner vide letter dated 24-7-2006 informed that the proposal for enhancement of hire charges has been sent to the Secretary to Government, Finance Department and the matter is under consideration with Finance Department. It is also stated that the necessary action would be taken soon after the receipt of orders from the Finance Department.

Having heard the learned Counsel for both the parties and having regard to the fact that on the basis of the recommendations made by the 3rd respondent, the matter has already been placed before the Finance Department and it is under consideration by the Finance Department, no further adjudication is necessary except to direct the 1st respondent to pass appropriate orders as per the proposals sent by the Transport Commissioner vide letter dated 24-7-2006 as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order.

However, the learned Counsel for the petitioners contended that the proposal made by the 3rd respondent for enhancement from Rs.12,000/- to Rs.14,000/- per month is contrary to the recommendations made by the Committee.

Nothing has been placed before this Court to show that the scheme under which the petitioners were allotted vehicles is regulated by any statute and that the respondents had acted in breach of any statutory obligation. Hence, no mandamus can be issued compelling the respondents 1 and 2 to enhance the hire charges upto Rs.15,000/- per month. However, the said question is left open and the petitioners are at liberty to challenge the same by instituting appropriate proceedings.

Writ Petition is accordingly disposed of. No costs.

G. ROHINI, J.

Dt. 03-08-2006

gbs